

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

ASSOCIATION OF OREGON
CORRECTIONS EMPLOYEES et al,

Case No. 6:21-cv-01485-MK

Plaintiffs,

**CASE MANAGEMENT
ORDER**

v.

STATE OF OREGON et al,

Defendants.

KASUBHAI, United States Magistrate Judge:

I. General Directions

A. Documents

All documents described below shall be filed using the District Court's CM/ECF system. Please contact Courtroom Deputy Jackie Klein (she/her) at Jackie_Klein@ord.uscourts.gov with questions you may have.

B. Pronoun Usage

The parties and counsel are encouraged to advise the Court of their pronouns. People appearing before this Court may do so in writing and orally when appearing for

conferences, hearings, or trials. Attorneys are encouraged to identify their pronouns in their signature lines when submitting documents for filing. Parties and counsel are instructed to address each other in all written documents and court proceedings by those identified pronouns.

II. Scheduling

Typically, the Court will hold a Rule 16 conference to discuss any matters unique to the case and set firm pretrial deadlines after all Defendants have filed answers. The order setting the Rule 16 conference vacates any pending case deadlines. At the conference, the parties should be prepared to discuss the status of discovery, any actual or potential discovery related issues, consent to magistrate judge, potential trials dates, and any other issues, after which the Court will issue a Scheduling Order setting new case deadlines. Prior to a Rule 16 conference, the parties may submit a proposed Joint Scheduling Order that they would like the Court to consider.

Absent exigent circumstances, a motion to extend case deadlines, even when unopposed, should be received at least five days before the current deadline.

III. Discovery Issues

Judge Kasubhai expects to handle discovery disputes informally and discourages parties from filing motions to compel, which take extra time and resources to resolve. In the event the parties have a dispute they should first email a brief summary of the dispute to Jackie Klein (she/her) at Jackie_Klein@ord.uscourts.gov. If the dispute cannot be resolved by email correspondence, Judge Kasubhai will schedule a telephonic hearing to discuss the matter.

IV. Motions Practice

A. Oral Argument

Judge Kasubhai does not automatically schedule oral argument upon request. The parties

will be contacted if, after reviewing the briefing, Judge Kasubhai determines oral argument will be helpful in resolving the motion.

B. Summary Judgment

Judge Kasubhai strongly encourages parties to only seek summary judgment on issues the moving party legitimately believes involve no question of material fact or that raise significant dispositive legal issues. This level of consideration will avoid unnecessarily delaying the resolution of the case, drawing down client's resources, as well as the Court's resources. Accordingly, a moving party's argument in favor of summary judgment should be well supported by citations to the record, which should be either to the paragraph numbers of affidavits and declarations or to the page number of any deposition excerpts. Parties are required to submit copies of all documents in an organized fashion.

C. Judge's Copies

Judge Kasubhai expects all CM/ECF Registered Users under Local Rule 5-1(a), to comply with Local Rule 5-8(a) which provides:

Unless otherwise ordered by the Court, a paper copy, properly fastened pursuant to LR 10-1(f), of the following electronically filed documents, and the Notice of Electronic Filing, must be marked as a "JUDGE'S COPY" and delivered to the Clerk's Office within three business days after the electronic filing: Dispositive motions and motions for injunctive relief (including all related documents), Social Security administrative records, and any other documents (including all related documents) that, in the aggregate, are in excess of ten pages.

Additionally, Judge Kasubhai requires that all Judge's paper copies that total more than 10 pages (main document and attachments) be placed in a three-ring binder with tabs for all documents and exhibits.

D. Hyperlinks

Judge Kasubhai strongly encourages counsel to hyperlink the cases they cite in their briefs. For information on inserting hyperlinks in CM/ECF, see [Section 5 of the CM/ECF User Manual](#).

V. Trial Setting

If the parties file a consent to Magistrate Judge, then firm pretrial conference and trial dates will be scheduled. After setting the trial date, Judge Kasubhai will enter a Trial Management Order that sets out the dates that all pretrial documents are due. Pretrial conferences are generally held in person in Judge Kasubhai's courtroom.

VI. Settlement Conferences

Requests to schedule a settlement conference can be directed to Jackie Klein (she/her) at Jackie.Klein@ord.uscourts.gov. Judge Kasubhai encourages the parties to explore settlement at any stage of litigation and will assist in locating a settlement judge.

VII. Opportunities for New Lawyers

Judge Kasubhai strongly encourages litigants and law firms to be mindful of opportunities for new lawyers (attorneys practicing less than 7 years) to conduct hearings before the Court in tandem with more experienced attorneys, especially where new lawyers drafted or significantly contributed to motions and responses. These opportunities include oral argument as well as witness examination.

Judge Kasubhai considers it important to provide new lawyers with substantive speaking opportunities to gain experience in Court, as the benefits of such experience accrue to the new lawyer, clients, and the legal profession in general. However, Judge Kasubhai understands that, in some instances, having a new lawyer appear may not be appropriate or in the client's best

interest. Therefore, an experienced attorney may supplement a new lawyer's arguments and questions with their own if necessary.

VIII. Expedited Case Management

If the parties file a consent to Magistrate Judge and agree to an expedited trial schedule, then the Court will set a case management conference to discuss limits on discovery and any need for dispositive motions. The Court will make every effort to set a trial date within six months of the expedited case management conference.

IX. *Pro Se* Parties

Parties proceeding *pro se* (representing yourself without a lawyer) should refer to the District of Oregon's "[Handbook for Self-Represented Parties](#)" for helpful information.

X. *Pro Hac Vice*

Attorneys admitted *pro hac vice* and their Oregon counsel should read and be familiar with the Court's Local Rules and general litigation practices.

IT IS SO ORDERED.

DATED this 12th day of October 2021.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He/Him)
United States Magistrate Judge